

## DECLARATION AND POWER OF ATTORNEY

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "USE OF COXIELLA BACTERIA TO TREAT AUTOIMMUNE DISEASE," which is described and claimed in the specification and claims of Patent Application No. 09/142,597, which we filed in the United States Patent and Trademark Office on September 10, 1998, and for which a patent is sought.

We have reviewed and understand the contents of the foregoing specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of the foreign patent application listed below:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:			
COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
PCT	PCT/AU97/00161	March 14, 1997	Yes
Australia	PN 8703	March 14, 1996	Yes

40 We hereby appoint RICHARD W. SEED, Reg. No. 16,557; ROBERT J. BAYNHAM, Reg. No. 22,846; EDWARD W. BULCHIS, Reg. No. 26,847; GEORGE C. RONDEAU, JR., Reg. No. 28,893; DAVID H. DEITS, Reg. No. 28,066; WILLIAM O. FERRON, JR., Reg. No. 30,633; PAUL T. MEIKLEJOHN, Reg. No. 26,569; DAVID J. MAKI, Reg. No. 31,392; RICHARD G. SHARKEY, Reg. No. 32,629; DAVID V. CARLSON, Reg. No. 31,153; MAURICE J. PIRIO, Reg. No. 33,273; KARL R. HERMANN, Reg. No. 33,507; DAVID D. MCMASTERS, Reg. No. 33,963; MICHAEL J. DONOHUE, Reg. No. 35,859; CHRISTOPHER J. DALEY-WATSON, Reg. No. 34,807; STEVEN D. LAWRENZ, Reg. No. 37,376; ROBERT G. WOOLSTON, Reg. No. 37,263; ELLEN M. BIERMAN, Reg. No. 38,079; PAUL T. PARKER, Reg. No. 38,264; JOHN C. STEWART, Reg. No. 40,188; ANN T. KADLECEK, Reg. No. 39,244; DAVID W. PARKER, Reg. No. 37,414; BRIAN G. BODINE, Reg. No. 40,520; FRANK ABRAMONTE, Reg. No. 38,066; E. RUSSELL TARLETON, Reg. No. 31,800;

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Date 4 February 1933

Residence : City of Kambah  
Country of Australia *dux*  
Citizenship : Australia  
P.O. Address : 56 Urambi Village  
Kambah, Australian Capital Territory  
2902, Australia

Kevin John Lafferty

Date

Residence

:

City of Curtin

Country of Australia AUX

Citizenship

:

Australia

P.O. Address

:

63 McColloch Street

Curtin, Australian Capital Territory

2905, Australia

Lawrence Scott Gazda

Date

Residence

:

City of Hawker

Country of Australia AUX

Citizenship

:

United States of America

P.O. Address

:

19/30 Springvale Drive

Hawker, Australian Capital Territory

2614, Australia

William Butler Cowden  
Kevin John Lafferty  
Lawrence Scott Gazda

Applicant or Patentee:

Serial or Patent No.: 09/142597

Attorney's

Docket No.: 120081.403

Filed or Issued: 10 September 1998

For: "Use of coxiella bacteria to treat autoimmune disease"

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN BIODISCOVERY LTD.

ADDRESS OF CONCERN Level 10, 384 Victoria Street, Darlinghurst,  
New South Wales, 2010, Australia

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "Use of coxiella bacteria to treat autoimmune disease" by inventor(s) William Butler Cowden, Kevin John Lafferty & Lawrence Scott Gazda described in

- ☐ the specification filed herewith  
☒ application serial no. 09/142597, filed 10 September 1998  
☐ patent no., issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Y JOAN DAWES

TITLE OF PERSON OTHER THAN OWNER Y CHIEF EXECUTIVE OFFICER

ADDRESS OF PERSON SIGNING Level 10, 384 Victoria Street, Darlinghurst,  
New South Wales, 2010, Australia

SIGNATURE Y

DATE 17 FEB 1999.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William Butler Cowden, Kevin John Lafferty,  
Lawrence Scott Gazda  
 Attorney's Docket No: 120081.403  
 Application No.: 09/142,597  
 Filed: September 10, 1998  
 For: USE OF COXIELLA BACTERIA TO TREAT AUTOIMMUNE  
DISEASE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 C.F.R. §§ 1.9(f) AND 1.27(d) -- NONPROFIT ORGANIZATION)

I declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The Australian National University  
 Address of Organization: Acton, Australian Capital Territory  
2601, Australia

## TYPE OF ORGANIZATION:

- ☒ university or other institution of higher education  
☐ tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))  
☐ nonprofit scientific or educational under statute of a state of the United States of America  
     (Name of state: \_\_\_\_\_)  
     (Citation of statute: \_\_\_\_\_)  
☐ would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in the United States of America  
☐ would qualify as nonprofit scientific or educational under statute of a state of the United States of America if located in the United States of America  
     (Name of state: \_\_\_\_\_)  
     (Citation of statute: \_\_\_\_\_)

RECEIVED - 25 SEP 1998

I declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and 41(b) with regard to the invention entitled:

**USE OF COXIELLA BACTERIA TO TREAT AUTOIMMUNE DISEASE**

by inventors William Butler Cowden, Kevin John Lafferty, Lawrence Scott Gazda, as described in:

- ☐ the specification filed herewith.  
☒ Application No. 09/142,597, filed September 10, 1998  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).\*

\*NOTE: Separate verified statements are required from each named person, concern and organization having rights to the invention averring to his/its status as a small entity. (37 C.F.R. § 1.27)

FULL NAME BIODISCOVERY LTD  
 ADDRESS Level 10, 384 Victoria Street, Darlinghurst, New South Wales 2010 Australia  
☐ individual  
☒ small business concern  
☐ nonprofit organization

FULL NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
☐ individual  
☐ small business concern  
☐ nonprofit organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Professor John RICHARDS

TITLE IN ORGANIZATION Deputy Vice Chancellor

ADDRESS OF PERSON SIGNING Chancellery, The Australian National University,  
Acton, 2601, Australian Capital Territory, 2601, Australia

SIGNATURE *Jean Hubel* DATE *14/21* 1999.

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